GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2519
ANSWERED ON:16.12.2008
REPEAL OF SECTION OF IPC
Borkataky Shri Narayan Chandra;Kurup Adv. Suresh;Senthil Dr. Raman

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether section 377 of the Indian Penal Code (IPC) is an impediment in carrying out HIV/AIDS intervention work;

(b) if so,the details in this regard;

(c) whether the Planning Commission has recommended for repeal of Section 377 of IPC;

(d) if so,the details and the reaction of the Government in this regard; and

(e) the steps taken by the Government to safeguard and protect the human rights of the affected persons?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRIMATI RADHIKA V. SELVI)

(a) to (e): A Civil Writ Petition (No.7455 of 2001) has been filed in the Delhi High Court challenging,inter alia,the Constitutional validity of Section 377 of Indian Penal Code and also stating that by criminalizing homosexuality,the said section has the effect of pushing homosexuals underground making it more difficult to reach HIV/AIDS protection measures to them.

The Court has not pronounced a verdict and the matter is sub-judice.